IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.868 OF 2007

Mr.Santosh Bhau Nibude ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.M.H.Solkar, Adv. for the Applicant.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 10th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.22 of 2007 of Sahar Police Station, Mumbai. The said case is under Sections 376, 420 of IPC.

3. It is the prosecution case that the applicant promised to marry the complainant - Miss.Harshali. According to the complainant, she had sexual intercourse with the applicant on the basis of promise of marriage given by the applicant. However, thereafter the applicant did

not marry the complainant. Hence, it is the case of the complainant that the applicant cheated her and has committed rape on her as her consent was obtained on account of false promises.

4. It is further case of the complainant that on 11.1.2007 when the complainant was at the residence of her friend, applicant and his mother came to the house of her friend and abused her and at that time the applicant pressed the throat of the complainant.

5. The complainant was a major girl at the time when she indulged in sexual intercourse with the applicant. It was a case of consent, but, thereafter it appears that the affair turns sour and on account of this the FIR has been lodged.

6. The learned APP has stated that the investigation in the present case is over and the charge-sheet is to be filed within few days. Besides the present case, the applicant has a clean record.

7. In this view of the matter, I am inclined

to grant bail to the applicant.

8. The applicant Santosh Bhau Nibude to be released on bail in the sum of Rs.20,000/-with one or two sureties to make up the said amount. The applicant shall report to Sahar Police Station, Mumbai once in a month, till conclusion of the trial.

9. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)